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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 16 November 2005 from the Permanent Mission of the Netherlands to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Kingdom of the Netherlands to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's letter dated 29 June 2005, has the honour to transmit herewith additional information, as requested, on the steps the Netherlands has taken to implement resolution 1540 (2004) (see annex).

05-61379 (E) 061205

Annex to the note verbale dated 16 November 2005 from the Permanent Mission of the Netherlands to the United Nations addressed to the Chairman of the Committee

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Netherlands**
Date of Report: **28 October 2004**

	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD			
2	General statement on commitment to disarmament and non-proliferation	X	European Union Strategy against the proliferation of WMD	page 4 of the report of the European Union (EU)
3	General statement on non-provision of WMD and related materials to non-State actors	X	The Netherlands do not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transfer or use WMD and their means of delivery	page 3 of the report
4	Biological Weapons Convention (BWC)	X	Entry into force, 22 June 1981	page 2 of the report
5	Chemical Weapons Convention (CWC)	X	Entry into force, 29 April 1997	
6	Nuclear Non-Proliferation Treaty (NPT)	X	Entry into force, 2 May 1975	
7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Ratified, 23 March 1999	
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Entry into force, 6 October 1991; amendment of 8 July 2005 signed on 8 July 2005	
9	Hague Code of Conduct (HCOC)	X	Subscribed on 25 November 2002	
10	Geneva Protocol of 1925	X	Entry into force, 31 October 1930, reservation withdrawn on 17 July 1995	
11	International Atomic Energy Agency (IAEA)	X	Entry into force, 30 July 1957	page 6 of the report
12	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty for the Prohibition of Nuclear Weapons in Latin America, Additional Protocol I, entry into force, 26 July 1971	
13	Other Conventions/Treaties	X	1. Treaty Banning Nuclear Weapon Tests in the Atmosphere etc., entry into force, 14 September 1964 2. EURATOM Treaty, entry into force, 1 January 1958	page 2 of the report and page 8 of the EU report
14	Other Arrangements	X	1. Wassenaar Arrangement (WA) 2. Australia Group (AG) 3. Zangger Committee (ZC) 4. Nuclear Suppliers Group (NSG) 5. Missile Technology Control Regime (MTCR) 6. Proliferation Security Initiative (PSI)	pages 7 and 10 of the report
15	Other	X	EU Council Decision of 17 November 2003 to include WMD provisions into agreements with third countries	page 6 of the EU report

OP 2 - Biological Weapons (BW)

State: **Netherlands**

Date of Report: 28 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	1. Biological Weapons Convention (Implementation) Act 2. Weapons and Ammunition Act	X	1(1) jo 6(4) Economic Offences Act: 6 years imprisonment; 8 years with terrorist intent	page 3 of the report
2	acquire	X	Biological Weapons Convention (Implementation) Act			
3	possess	X	1. Biological Weapons Convention (Implementation) Act 2. Weapons and Ammunition Act			
4	stockpile/store	X	BWC Implementation Act	X	6 years imprisonment, 8 years with terror intent	
5	develop	X	Biological Weapons Convention (Implementation) Act	X	1(1) jo 6(4) Economic Offences Act 6 years imprisonment; 8 years with terrorist intent; use: 15 years to life, depending on intent, circumstances and consequences	page 3 of the report
6	transport	X	Biological Weapons Convention (Implementation) Act			
7	transfer	X	1. Biological Weapons Convention (Implementation) Act 2 . Weapons and Ammunition Act			
8	use	X	Criminal Code, Sections 172, 173, 173a, 173b, 287 and 289			
9	participate as an accomplice in a.m. activities	X	complicity Section 48 Criminal Code	X	complicity, subornation, and material support: 2/3 of the maximum for the completed offence; participation in a criminal organization 6-8 years	page 4 of the report
10	assist in a.m. activities	X	participation, subornation and material support Section 47 Criminal Code; participation in a criminal organization (Sections 140 and 140 a)			
11	finance a.m. activities	X	participation, subornation and material support Section 47 Criminal Code; participation in a criminal organization (Sections 140 and 140 a)			
12	a.m. activities related to means of delivery	X	Biological Weapons Convention (Implementation) Act (Section 4)	X	6 years imprisonment, 8 years with terrorist intent	page 3 of the report
13	involvement of non-State actors in a.m. activities	X	All offences referred to above only apply tot non-state actors	X		page 4 of the report
14	Other					

OP 2 - Chemical Weapons (CW)

State: **Netherlands**

Date of Report: 28 October 2004

Does national legislation exist which prohibits legal persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	1. Chemical Weapons Convention (Implementation) Act, Section 2 2. Weapons and Ammunition Act	X	1(1) jo 6(4) Economic Offences Act: 6 years imprisonment; 8 years with terrorist intent	page 3 of the report
2	acquire	X	Chemical Weapons Convention (Implementation) Act, Section 2			
3	possess	X	1. Chemical Weapons Convention (Implementation) Act, Section 2 2. Weapons and Ammunition Act			
4	stockpile/store	X	Chemical Weapons Convention (Implementation) Act of 08 June 1995, Section 2	X	1(1) jo 6(4) Economic Offences Act: 6 years imprisonment; 8 years with terrorist intent	
5	develop	X	Chemical Weapons Convention (Implementation) Act, Section 2	X	1(1) jo 6(4) Economic Offences Act6 years imprisonment; 8 years with terrorist intent; use: 15 years to life, depending on intent, circumstances and consequences	page 3 of the report
6	transport	X	Chemical Weapons Convention (Implementation) Act			
7	transfer	X	1. Chemical Weapons Convention (Implementation) Act, Sections 2 Weapons and Ammunition Act			
8	use	X	Criminal Code, Sections 172, 173, 173a, 173b, 287 and 289			
9	participate as an accomplice in a.m. activities	X	complicity Section 48 Criminal Code	X	complicity, subornation, and material support: 2/3 of the maximum for the completed offence; participation in a criminal organization 6-8 years	page 4 of the report
10	assist in a.m. activities	X	participation, subornation and material support Section 47 Criminal Code; participation in a criminal organization (Sections 140 and 140 a)			
11	finance a.m. activities	X	participation, subornation and material support Section 47 Criminal Code; participation in a criminal organization (Sections 140 and 140 a)			
12	a.m. activities related to means of delivery	X	Weapons and Ammunition Act, Section 2(1) cat II sub 6	X	4 to 8 years imprisonment, depending on circumstances and intent	
13	involvement of non-State actors in a.m. activities	X	All offences referred to above only apply tot non-state actors			page 4 of the report
14	Other	X	Chemical Weapons Convention (Implementation) Act of 08 June 1995, Section 14	X	Violations of provisions by Dutch nationals living outside the Netherlands are subject to Dutch Criminal law	

OP 2 - Nuclear Weapons (NW)

State: **Netherlands**
Date of Report: 28 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	1. Nuclear Energy Act, Sections 15, 29: requirement of a license 2. Weapons and Ammunition Act	X	1. Nuclear Energy Act, section 79: terrorist purposes are a criminal offence 2. Criminal Code, Section 161: prohibition of exposure of human beings, animals and plants to ionizing radiation etc.	page 3 of the report
2	acquire					
3	possess					
4	stockpile/store	X	1. Nuclear Energy Act, Sections 15, 29: requirement of a license 2. Weapons and Ammunition Act	X	1(a) Economic Offences Act: 6 years imprisonment, 8 years if terrorist intent	
5	develop	X	1. Nuclear Energy Act, Sections 15, 29: requirement of a license 2. Weapons and Ammunition Act	X	1. Nuclear Energy Act, section 79: terrorist purposes are a criminal offence 2. Criminal Code, Section 161: prohibition of exposure of human beings, animals and plants to ionizing radiation etc.	page 3 of the report
6	transport					
7	transfer					
8	use	X	Nuclear Energy Act, 15, 29; requirement of a license. Criminal Code, Section 161: prohibition of exposure of human beings, animals and plants to ionizing radiation etc			
9	participate as an accomplice in a.m. activities	X	complicity Section 48 Criminal Code	X	complicity, subornation, and material support: 2/3 of the maximum for the completed offence; participation in a criminal organization 6-8 years	page 4 of the report
10	assist in a.m. activities	X	participation, subornation and material support Section 47 Criminal Code; participation in a criminal organization (Sections 140 and 140 a)			
11	finance a.m. activities	X	participation, subornation and material support Section 47 Criminal Code; participation in a criminal organization (Sections 140 and 140 a)			
12	a.m. activities related to means of delivery	X	Weapons and Ammunition Act, Section 2(1) cat II sub 6	X	4 to 8 years imprisonment, depending on circumstances and intent	
13	involvement of non-State actors in a.m. activities	X	All offences referred to above only apply tot non-state actors			page 4 of the report
14	Other					

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OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: Netherlands

Date of Report: 28 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production					
2	Measures to account for use					
3	Measures to account for storage					
4	Measures to account for transport					
5	Other measures for accounting					
6	Measures to secure production					
7	Measures to secure use	X	Directive 2000/54/EC			page 10 of the EU report
8	Measures to secure storage					
9	Measures to secure transport			X	Security plan for transport	page 5 of the report
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	X	Law requires physical protection of dangerous goods including biological agents			page 5 of the report
12	Licensing/registration of facilities/persons handling biological materials	X	Directive 2000/54/EC			page 10 of the EU report
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	Regulations for genetic engineering work					
16	Other legislation/ regulations related to safety and security of biological materials	X	Directive 89/391/EC			page 10 of the EU report
17	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: Netherlands

Date of Report: 28 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	CWC (Implementation) Act in conjunction with CWC (Implementation) Decree	X	Economic Offences Act, article 1(1)	page 4 of the report
2	Measures to account for use					
3	Measures to account for storage					
4	Measures to account for transport					
5	Other measures for accounting					
6	Measures to secure production					
7	Measures to secure use		~~Directive 98/24/EC~~			page 10 of the EU report. Directive 98/24EC is not national legal framework.
8	Measures to secure storage					
9	Measures to secure transport			X	Security plan for transport	page 5 of the report
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	X	Law requires physical protection of dangerous goods including chemical agents			page 5 of the report
12	Licensing of chemical installations/entities/use of materials					
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	National CWC authority	X	CWC (implementation) Act in conjunction with CWC			
16	Reporting Schedule I, II and III chemicals to OPCW	X	CWC (Implementation) Decree	X	Economic Offences Act	page 4 of the report
17	Account for, secure or physically protect old chemical weapons					
18	Other legislation/ regulations controlling chemical materials	X	Directive 89/391/EC			page 10 of the EU report
19	Other					

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OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State: Netherlands

Date of Report: 28 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	1. Nuclear Energy Act, Sections 13, 14, and 28 in conjunction with the Fissionable Materials and Ores (Registration) Decree 2. EURATOM Treaty ~~3. INFCIRC/193~~ ~~4. INFCIRC/640~~			page 4 of the report and pages 7 and 8 of the EU report INFCIRC is not national legal framework
2	Measures to account for use					
3	Measures to account for storage					
4	Measures to account for transport	X	Directive 92/3 EURATOM			page 8 of the EU report
5	Other measures for accounting					
6	Measures to secure production					
7	Measures to secure use					
8	Measures to secure storage					
9	Measures to secure transport	X	Fissionable Materials, Ores and Radioactive Substances (Transport) Decree, Section 4a	X	Security plan for transport	page 5 of the report and page 12 of the EU report
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	X	Nuclear Installations, Fissionable Materials and Ores (Registration) Decree, Section 36.2 in combination with the Nuclear Installations Security Guidelines 1993			pages 4 and 5 of the report
12	Licensing of nuclear installations/entities/use of materials	X	Nuclear Energy Act, Sections 13, 14, and 28 in conjunction with the Fissionable Materials and Ores (Registration) Decree			page 4 of the report
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	National regulatory authority					
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement concluded 2. Additional Protocol concluded			page 8 of the report
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Expressed support to IAEA DG			

18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Participates in Database Programme			
19	Other Agreements related to IAEA					
20	Additional national legislation/regulations related to nuclear materials including CPPNM					
21	Other					

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OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

State: **Netherlands**

Date of Report: 28 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. EU Council Regulation 2913/1992 (Community Customs Code) 2. EU Commission Regulation 2454/1993 (Implementing Provisions of Community Customs Code)	X	Examination/inspection of goods, documents, accounts, records, means of transport, luggage, etc: monitoring containers for radioactive material and x-raying containers in the Port of Rotterdam	pages 5 and 6 of the report and page 12 of the EU report
2	Technical support of border control measures			X	Port of Rotterdam technical equipment will ultimately allow to monitor 90 % of all containers, also two advanced X-ray scanners are available	page 5 of the report
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Decree on Financial Involvement concerning Strategic Goods: military materials	X	Economic Offences Act, article 1 (1). Penalties, maximum of 6 years imprisonment, and/or a fine of EUR 450 000	page 6 of the report
4	Enforcement agencies/authorities	X	FIOD-ECD (export) and Customs, based on article 19 of the Import and Export Act	X	Economic Offences Act, articles 17 to 27, and the General Administrative Act regarding supervisory provisions	
5	Export control legislation in place	X	1. Strategic Goods (Import and Export) Decree: import, export, transit controls of military materials, military technology, and dual-use items 2. EC Dual-use Export Control Regulation No. 1334/2000: applies to dual-use items	X	Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties as described in the Economic Offences Act (6 yrs and a fine of EUR 450 000)	page 6 of the report
6	Licensing provisions	X	EC Dual-use Export Control Regulation No. 1334/2000	X	Strategic Goods (Import and Export) Decree, strafmaat Economic Offences Act	page 14 of the EU report
7	Individual licensing	X	1. Strategic Goods (Import and Export) Decree: import, export, transit controls of military materials, military technology, and dual-use items 2. EC Dual-use Export Control Regulation No. 1334/2000: applies to dual-use items 3. Decree on Financial Involvement concerning Strategic Goods: military materials			

8	General licensing	X	EU Council Regulation 1334/2000 With regard to Belgium and Luxembourg, the Strategic Goods (Import and Export) Decree is not in force, due to the special Customs arrangements under the Benelux Treaty.			page 14 of the EU report. Not EC Council Regulation 1504/2002.
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority	X	Centrale Dienst In- en Uitvoer / Central In- Export Control Agency			
12	Interagency review for licenses	X	EU Member States consult each other			page 15 of the EU report
13	Control lists	X	EU Council Regulation 1334/2000, Annex 1 and 4. The Netherlands also has its own Military Goods list.			page 15 of the EU report. Not EC Council Regulation 1504/2002.
14	Updating of lists					page 14 of the EU report
15	Inclusion of technologies	X	Strategic Goods (Import and Export) Decree : military technology	X	Economic Offences Act, article 1 (1). Penalties: maximum of 6 years imprisonment, and/or a fine of EUR 450.000. ~~Strategic Goods (import and Export Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties.~~	page 6 of the report
16	Inclusion of means of delivery	X	Strategic Goods (Import and Export) Decree: military goods. EU Council RegulAtion 1334/2000.	X	Economic Offences Act, article 1 (1). Penalties: maximum of 6 years imprisonment, and/or a fine of EUR 450.000. ~~Strategic Goods (import and Export Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties.~~	pages 6 and 7 of the report
17	End-user controls	X	Strategic Goods (Import and Export) Decree: military goods. EU Council Regulation 1334/2000.	X	In case of false end-user: Economic Offences Act, article 1 (1). Penalties: maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	
18	Catch all clause	X	Authorization of non-listed items. Article 2a(6) of the In- and Export Act	X	Economic Offences Act, article 1 (1). Penalties: maximum of 6 years imprisonment, and/or a fine of EUR 450.000	page 15 of the EU report
19	Intangible transfers	X	Strategic Goods (Import and Export) Decree. EU Council Regulation 1334/2000.	X	Economic Offences Act, article 1 (1). Penalties: maximum of 6 years imprisonment, and/or a fine of EUR 450.000	

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20	Transit control	X	Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000 ~~Strategic Goods (Import and Export Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties.~~	page 6 of the report
21	Trans-shipment control	X	Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	
22	Re-export control	X	Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	
23	Control of providing funds	X	Foreign Financial Relations Act 1994: license requirement for financial transactions involving transit and brokering of war materials	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	page 6 of the report
24	Control of providing transport services					
25	Control of importation				~~Strategic Goods (Import and Export Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties.~~	page 6 of the report
26	Extraterritorial applicability					
27	Other	X	1. New customs legislation will be developed 2. Establishing a contiguous zone for carrying out checks in an earlier stage of the logistic chain is in process			page 6 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

State: **Netherlands**
Date of Report: **28 October 2004**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	EC Dual-use Export Control Regulation No. 1334/2000	X	Economic Offences Act. Examination/inspection of goods, documents, accounts, records, means of transport, luggage, etc: monitoring containers for radioactive material and x-raying containers in the Port of Rotterdam	pages 5 and 6 of the report and page 12 of the EU report
2	Technical support of border control measures			X	Port of Rotterdam technical equipment will ultimately allow to monitor 90 % of all containers, also two advanced X-ray scanners are available	page 5 of the report
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Decree on Financial Involvement concerning Strategic Goods: military materials	X	Economic Offences Act, article 1 (1). Penalties, maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	page 6 of the report
4	Enforcement agencies/authorities	X	FIOD-ECD (export) and Customs, based on article 19 of the Import and Export Act.	X	Economic Offences Act, articles 17 to 27, and the General Administrative Act regarding supervisory provisions.	
5	Export control legislation in place	X	1. Strategic Goods (Import and Export) Decree: import, export, transit controls of military materials, military technology, and dual-use items 2. EC Dual-use Export Control Regulation No. 1334/2000: applies to dual-use items	X	Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties as described in the Economic Offences Act (6 yrs and a fine of EUR 450.000)	page 6 of the report
6	Licensing provisions	X	EC Dual-use Export Control Regulation No. 1334/2000	X	Strategic Goods (Import and Export) Decree, penalty as determined in Economic Offences Act	page 14 of the EU report
7	Individual licensing	X	1. Strategic Goods (Import and Export) Decree: import, export, transit controls of military materials, military technology, and dual-use items 2. EC Dual-use Export Control Regulation No. 1334/2000: applies to dual-use items 3. Decree on Financial Involvement concerning Strategic Goods: military materials			

8	General licensing	X	EU Council Regulation 1334/2000 With regard to Belgium and Luxembourg, the Strategic Goods (Import and Export) Decree is not in force, due to the special Customs arrangements under the Benelux Treaty.			page 14 of the EU report
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority	X	Centrale Dienst In- Uitvoer / Central In- Export Control Agency, based on the Chemical Weapons Convention Implementation Decree (Art 16)			
12	Interagency review for licenses	X	EU Member States consult each other			page 15 of the EU report
13	Control lists	X	EU Council Regulation 1334/2000, Annex 1 and 4. The Netherlands also has its own Military Goods list.			page 15 of the EU report
14	Updating of lists					page 14 of the EU report
15	Inclusion of technologies	X	Strategic Goods (Import and Export) Decree : military technology	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	page 6 of the report
16	Inclusion of means of delivery	X	Strategic Goods (Import and Export) Decree: military goods. EU Council Regulation 1334/2000.	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	pages 6 and 7 of the report
17	End-user controls	X	Strategic Goods (Import and Export) Decree: military goods. EU Council Regulation 1334/2000.	X	In case of false end-user: Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	
18	Catch all clause	X	Authorization of non-listed items. Article 2a(6) of the In- and Export Act	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	page 15 of the EU report
19	Intangible transfers	X	Strategic Goods (Import and Export) Decree. EU Council Regulation 1334/2000.	X	Economic Offences Act, article 1 (1) Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	
20	Transit control	X	Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	page 6 of the report
21	Trans-shipment control	X	Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	

22	Re-export control	X	Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties	X	Economic Offences Act, article 1 (1) Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	
23	Control of providing funds	X	Foreign Financial Relations Act 1994: license requirement for financial transactions involving transit and brokering of war materials	X	Economic Offences Act, article 1 (1) Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	page 6 of the report
24	Control of providing transport services					
25	Control of importation	X	Strategic Goods (Import and Export) Decree; only for certain chemicals coming from non-state parties to the CWC		~~Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties~~	page 6 of the report
26	Extraterritorial applicability					
27	Other	X	1. New customs legislation will be developed 2. Establishing a contiguous zone for carrying out checks in an earlier stage of the logistic chain is in process			page 6 of the report

OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

State: Netherlands
Date of Report: 28 October 2004

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. EU Council Regulation 2913/1992 (Community Customs Code) 2. EU Commission Regulation 2454/1993 (Implementing Provisions of Community Customs Code)	X	Examination/inspection of goods, documents, accounts, records, means of transport, luggage, etc: monitoring containers for radioactive material and x-raying containers in the Port of Rotterdam	pages 5 and 6 of the report and page 12 of the EU report
2	Technical support of border control measures			X	Port of Rotterdam technical equipment will ultimately allow to monitor 90 % of all containers, also two advanced X-ray scanners are available	page 5 of the report
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Decree on Financial Involvement concerning Strategic Goods: military materials	X	Economic Offences Act, article 1 (1). Penalties: maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	page 6 of the report
4	Enforcement agencies/authorities	X	FIOD-ECD (export) and Customs, based on article 19 of the Import and Export Act.	X	Economic Offences Act, articles 17 to 27, and the General Administrative Act regarding supervisory provisions.	
5	Export control legislation in place	X	1. Strategic Goods (Import and Export) Decree: import, export, transit controls of military materials, military technology, and dual-use items 2. EC Dual-use Export Control Regulation No. 1334/2000: applies to dual-use items	X	Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties as described in the Economic Offences Act (6 yrs and a fine of EUR 450.000)	page 6 of the report
6	Licensing provisions	X	EC Dual-use Export Control Regulation No. 1334/2000	X	Strategic Goods (Import and Export) Decree, penalty as determined in Economic Offences Act	page 14 of the EU report
7	Individual licensing	X	1. Strategic Goods (Import and Export) Decree: import, export, transit controls of military materials, military technology, and dual-use items 2. EC Dual-use Export Control Regulation No. 1334/2000: applies to dual-use items 3. Decree on Financial Involvement concerning Strategic Goods: military materials			

8	General licensing	X	EU Council Regulation 1334/2000 With regard to Belgium and Luxembourg, the Strategic Goods (Import and Export) Decree is not in force, due to the special Customs arrangements under the Benelux Treaty.			page 14 of the EU report
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority	X	Centrale Dienst in- Uitvoer / Central In- Export Control Agency			
12	Interagency review for licenses	X	EU Member States consult each other			page 15 of the EU report
13	Control lists	X	EU Council Regulation 1334/2000, Annex 1 and 4. The Netherlands also has its own Military Goods list			page 15 of the EU report
14	Updating of lists					page 14 of the EU report
15	Inclusion of technologies	X	Strategic Goods (Import and Export) Decree : military technology	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000. ~~Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties~~	page 6 of the report
16	Inclusion of means of delivery	X	Strategic Goods (Import and Export) Decree: military goods. EU Council Regulation 1334/2000.	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000. ~~Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties~~	pages 6 and 7 of the report
17	End-user controls	X	Strategic Goods (Import and Export) Decree: military goods. EU Council Regulation 1334/2000.	X	In case of false end-user: Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	
18	Catch all clause	X	Authorization of non-listed items. Article 2a(6) of the in- and Export Act	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	page 15 of the EU report
19	Intangible transfers	X	Strategic Goods (Import and Export) Decree. EU Council Regulation 1334/2000.	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	
20	Transit control	X	Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000. ~~Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties~~	page 6 of the report

21	Trans-shipment control	X	Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	
22	Re-export control	X	Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	
23	Control of providing funds	X	Foreign Financial Relations Act 1994: license requirement for financial transactions involving transit and brokering of war materials	X	Economic Offences Act, article 1 (1). Penalties; maximum of 6 years imprisonment, and/or a fine of EUR 450.000.	page 6 of the report
24	Control of providing transport services					
25	Control of importation				~~Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties~~	page 6 of the report
26	Extraterritorial applicability					
27	Other	X	1. New customs legislation will be developed 2. Establishing a contiguous zone for carrying out checks in an earlier stage of the logistic chain is in process			page 6 of the report

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State: **Netherlands**
Date of Report: **28 October 2004**

	Can information be provided on the following issues ?	YES				Remarks
1	Control lists - items (goods/equipment/ materials/technologies)	X	National control lists following the regimes of Zangger Committee, Nuclear Suppliers Group, Australia Group, Wassenaar Arrangement and Missile Technology Control Regime			page 7 of the report
2	Control lists - other					
3	Assistance offered	X	Netherlands is prepared to provide assistance to States lacking legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the provisions of the resolution; requests on assistance should be directed to the head of the Division of Nuclear Affairs and Non-proliferation of the Security Policy Department of the Netherlands Ministry of Foreign Affairs			page 7 of the report
4	Assistance requested					
5	Assistance in place (bilateral/plurilateral/multilateral)	X	Netherlands has provided funds for and participated in seminars to encourage States to become party to the CWC. EU contributes to G8 Global partnership			page 7 of the report and page 6 of the EU report
6	Information for industry	X	Awareness programmes for Dutch companies, universities or research institutions, education of industries to comply with export control and CWC obligations; also meetings with industry on EU level			pages 9 and 10 of the report and page 15 of the EU report
7	Information for the public	X	information on government websites, publications and leaflets			pages 9 and 10 of the report

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